

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KATHERYN CLOVER, <i>et al.</i> ,)	Case No. 1:22-cv-559
)	
Plaintiffs,)	Judge J. Philip Calabrese
)	
v.)	Magistrate Judge
)	William H. Baughman
ANTHONY VIOLA,)	
)	
Defendant/Third Party)	
Plaintiff,)	
)	
v.)	
)	
DANIEL KASARIS, <i>et al.</i> ,)	
)	
Third-Party Defendants.)	
)	
)	

OPINION AND ORDER

Anthony Viola moves to vacate the judgment of the Court, arguing that it is void because he was not served with the initial complaint that was filed in State court. (ECF No. 20, PageID #924.) The record shows that, in response to the claims asserted against him, Mr. Viola asserted counterclaims and third-party claims in State court. (Case No. CV-22-959454, Answer, Second Add'l Defense.) Whatever the merits of Mr. Viola's claim that he was not sufficiently served such that the State trial court did not have jurisdiction over him, the record establishes that Mr. Viola invoked the jurisdiction of the State trial court to assert the claims that were removed to federal court and that formed the basis of the Court's ruling.

As a formal matter, the defense Mr. Viola asserted has no bearing on the affirmative third-party claims he asserted. By asserting those claims, Mr. Viola sought to litigate his third-party claims. Mark Bennett timely removed those claims, and the United States properly substituted itself as a party. Although Mr. Viola does not like the results he achieved through the litigation he initiated, the law required that result, and the Court had jurisdiction over his claims.

In short, Mr. Viola's motion lacks merit, and the Court **DENIES** Mr. Viola's motion to vacate (ECF No. 20).

SO ORDERED.

Dated: August 8, 2022

A handwritten signature in black ink, appearing to read 'J. P. Calabrese', written over a horizontal line.

J. Philip Calabrese
United States District Judge
Northern District of Ohio